

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

PLAINTIFFS' EXECUTIVE COMMITTEE'S STATUS REPORT
FOR THE JUNE 22, 2022 STATUS CONFERENCE

Pursuant to the Court's Order (Doc # 4380), the PEC submits this Status Report. Most of the Defendants who have filed status reports express an interest in private mediation rather than engage in active litigation tracks or the selection of bellwether case trials.

The PEC agrees that engaging in mediation should be given priority on the condition that there be an appropriate exchange of information to make settlement negotiations in mediation meaningful.

Therefore, the PEC suggests that the following disclosures be made:

1. Each Defendant shall provide a list of all federal and state court cases in which they have been named;
2. Each Defendant shall identify all corporate entities within their corporate family that manufactured or distributed opioids at any time during their association with each such entity, including their corporate relationship presently and at the time of the manufacture and/or distribution of opioids by each associated entity;
3. Each Defendant shall provide information as to the time frames in which they engaged in the manufacturing or distribution of opioids;

4. Each manufacturer Defendant shall identify the opioids it manufactured and/or distributed, the time periods they were manufactured and/or distributed, and the NDA, ANDA and/or DEA registrant for each such opioid.
5. Each Defendant shall provide information as to the annual quantity by dosage units and MME of opioids that they either manufactured or distributed. This information should be provided at least from 2006 through 2020;
6. Each distributor Defendant shall list the names and locations of all pharmacies to whom opioids were distributed;
7. Each defendant shall provide all DEA audits or warnings concerning their suspicious order monitoring program, internal and external audit reports concerning their suspicious order monitoring program, all written standard operating procedures or guidelines for their suspicious order monitoring program and their operative time periods, and the identity of all suspicious orders reported to the DEA;
8. The Defendants shall provide financial information including balance sheets and financial statements for their most recent fiscal years, and;
9. The Defendants shall inform the Court the scope of the release that they would be seeking in settlement of their cases, i.e., whether it would include non-litigating claimants.

The PEC further suggests the Court set a time frame for the exchange of this information, and that after the exchange of information is complete, the Court set a status conference to create a schedule for private mediation. Individual Defendants can request mediation for themselves or clustered with other Defendants.

The PEC notes that the Court's Order (Doc # 4380) recognizes that there are a number of other remaining manufacturer or distributor Defendants, other than those listed, for whom a litigation track has not been formulated. The PEC suggests that this same process be formulated for any other MDL Defendants not named in this order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger
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